

EFS
Confirmation No. 8891
Appl. Ser. No. 10/625,102
Amdt. dated Jan. 17, 2008
Reply to Office Action of Aug. 24, 2007

REMARKS/ARGUMENTS

This Amendment is being submitted pursuant to 37 C.F.R. § 41.33(a), after the Notice of Appeal was filed on November 28, 2007 but before an Appeal Brief is filed. This Amendment addresses the Examiner's objection with respect to the Information Disclosure Statement dated May 2, 2007 in his August 24, 2007 Final Office Action. In addition, this Amendment addresses the Examiner's claim objection in his August 24, 2007 Final Office Action by amending Claim 53 to correct certain informality described below. Applicant respectfully submits that this Amendment is in compliance with 37 C.F.R. § 41.33(a) and requests entry of the foregoing amendment.

Upon entry of this Amendment, Claims 1, 5, 13, 14, 23, 27, 29-31, 37, 42-47, 51-59 and 63-66 remain pending in the present application and under appeal. The Panel Decision from the Pre-Appeal Brief Review with the mail date of December 27, 2007 continues to maintain the rejection of Claims 1, 5, 13, 14, 23, 27, 29-31, 37, 42-47, 51-59 and 63-66.

Information Disclosure Statement:

In the August 24, 2007 Final Office Action, the Examiner took the position that the Information Disclosure Statement filed by Applicant on May 2, 2007 fails to comply fully with the provisions of 37 C.F.R. §§ 1.97, 1.98 and MPEP 609 because Applicant has not provided a fully copy of the foreign patent document WO 2005/007989. Further, the Examiner took the position that the International Search Report for

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PCT/US04/023030 does not appear to be a foreign patent document. (Aug. 24, 2007 Office Action at 2).

Applicant respectfully submits that the Examiner's objection appears to be based on his misunderstanding that International Publication No. WO 2005/007989 A3 (a copy of which was submitted with the May 2, 2007 Information Disclosure Statement) and the International Search Report for PCT/US04/023030 are two separate references. They are not. In other words, a full copy of WO 2005/007989 A3 consists of the International Search Report for PCT/US04/023030. The Examiner is invited to check this by downloading a full copy of WO 2005/007989 A3 from the WIPO on-line database at <http://www.wipo.int/ipdl/IPDL-IMAGES/PCT-PAGES/2006/352006/05007989/05007989.pdf>.

In view of the foregoing, it is respectfully requested that the Examiner withdraw his objection with respect to the Information Disclosure Statement filed on May 2, 2007, consider the foregoing objected reference and return a copy of the PTO/SB/08A form citing the foregoing objected reference with his initial next to the citation.

Claim Objections:

In the August 24, 2007 Final Office Action, the Examiner objected to Claim 53 for reciting "said tension member is comprised of a tension bolts" and stated that it would appear that a "tension member" is comprised of a tension bolt. (Aug. 24, 2007 Office Action at 3). In response, the foregoing claim amendment incorporates the Examiner's suggested correction in Claim 53. Accordingly, Applicant respectfully requests that the

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foregoing claim amendment be entered and the Examiner's objection to Claim 53 be withdrawn.

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No fees or extensions of time are believed to be due in connection with the filing of this Amendment. However, authorization is given hereby to charge Deposit Account No. 01-1785 for any fees necessary for filing of this Amendment or preserving the pendency of the subject application.

Respectfully submitted,

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